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TO RUEHC/SECSTATE WASHDC 9106
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RUEHBR/AMEMBASSY BRASILIA 0253
RUEHRI/AMCONSUL RIO DE JANEIRO 9111
RUEHRG/AMCONSUL RECIFE 4347
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SIPDIS

DEPARTMENT FOR CA/VO/F/P AND CA/FPP
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SUBJECT: ZERO OVERSTAYS FOR EMPLOYEES OF MAJOR BRAZILIAN AIRLINE

¶1. Summary: A recent study of 1,349 non-immigrant visas (NIV) issued to employees of TAM Linhas Aereas S.A. (TAM) at Consulate General Sao Paulo in 2008 indicated that all individuals reviewed in the sample study returned to Brazil after their trips to the United States. The results illustrate that employment with benefits, even with lower pay in Brazil, can be more appealing to a potential immigrant than the opportunity to earn more money in the United States. End Summary.

¶2. Consulate General Sao Paulo conducted a study of employees of Brazilian air carrier TAM to validate the high approval rate of their applications for tourist visas. (Note: TAM is Brazil's largest air carrier with 49.8 percent market share of domestic flights and 85.1 percent of international flights. End Note.) The approval rate of the 1,367 TAM employees seeking visas in Sao Paulo in 2008 was 98.7 percent. Adjudicating officers generally view TAM employees as good cases, although many earn salaries starting at approximately USD 1000 per month and could potentially earn more money working in the United States. One key element of the profile of the TAM employees is that they all have a full benefits package. The most important parts of a full benefits package in Brazil include health insurance for the employee and the employee's family, pension benefits, and job security, since an employer has to pay a large sum to fire or dismiss any employees. Consulate General Sao Paulo consistently adjudicates a high number of visas for TAM employees for two primary reasons: (1) many TAM employees work on international flights as flight attendants or pilots, and (2) TAM employees receive discounted fares for travel and frequently want to travel to the United States.

Methodology

¶3. During calendar year 2008, Consulate General Sao Paulo issued non-immigrant visas for 1,349 TAM employees. The Fraud Prevention Unit (FPU) extracted data on the applications from the Consular Consolidated Database using the AdHoc Reporting Template. The sample parameters were visas issued to TAM employees during calendar year 2008. Using these criteria, FPU pulled the 1,349 issuances and entered them into an Excel Spreadsheet. The applications were randomly sorted and 192 were selected using a sample interval of seven. Based on the "Warsaw FPU Sample Size Calculator," a sample size of 192 would yield a standard error rate of less than three percent at a 95 percent confidence level, using a five percent estimated fraud rate.

Results

¶4. FPU ran each of the 192 selected applications against the Department of Homeland Security's Arrival-Departure Information System to determine whether and/or when the individual had traveled to the United States. Of the 192 issuances, 122 (63.5 percent) were determined to have traveled and returned and 70 (36.5 percent) were determined not to have traveled. Hence, there were no overstays in

the sample study.

15. Comment: The absence of overstays for TAM employees validates the high approval rate for these applications. The results may also illustrate that employment with benefits, even with lower pay in Brazil, can be more appealing to a potential immigrant than the opportunity to earn more money in the United States. Post believes the benefits package received by TAM employees creates a strong incentive to return to Brazil. Further, this type of benefits package for applicants from other Brazilian companies should be taken into consideration by adjudicating officers as one of the factors necessary to determine whether or not an applicant overcomes Section 214(b) of the Immigration and Naturalization Act. End Comment.

WHITE